

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

SHANTIQUE C. JACKSON,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

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Case No. 1:20-cv-01276

COMPLAINT

1. Plaintiff, SHANTIQUE C. JACKSON files this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF JUSTICE, to produce all records related to *United States v. O'Connor*, No. 16-579, (N.D. Ill. 2016), a case in which a former police officer was charged with one count of depriving the victim's rights secured and protected by the Constitution of the United States, specifically, the right to be free from the use of unreasonable force by a police officer protected by the Fourth Amendment as incorporated against the states by the Fourteenth Amendment.

PARTIES

2. Plaintiff SHANTIQUE C. JACKSON is the FOIA requester at issue in this case and a resident of Aurora, IL.

3. Defendant U.S. Department of Justice is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

BACKGROUND

6. On February 9, 2012, Thomas O'Connor, then police officer of the Joliet Police Department, slammed Shantique Jackson on the hoods of two cars and punched her more than 20 times while attempting to arrest her in a parking lot. As a result, Ms. Jackson “sustained two black eyes, a nasal fracture, and bruises on her face and scalp.” Brian Stanley, *Former Joliet Cop Found Not Guilty of Federal Rights Violation*, The Herald News, <https://www.theherald-news.com/2017/06/16/former-joliet-cop-found-not-guilty-of-federal-rights-violation/avrhatq/>.

7. Soon after the incident, O'Connor was fired and was charged with aggravated battery, battery, and official misconduct. During his trial in June 2013 in Illinois, O'Connor maintained that he did no wrong in punching Ms. Jackson and testified, “he’d punched her as many times as necessary to gain control of a chaotic situation.” O'Connor was found not guilty. *Id.*

8. In September 2016, a federal grand jury in Chicago indicted O'Connor with violating Ms. Jackson’s Fourth Amendment protections while acting as a police officer. He was once again found not guilty. *Id.*

DOJ’S FOIA VIOLATION

9. On May 29, 2018, JACKSON submitted a FOIA request to DOJ seeking, “any and all documents” and “videos in relation to case number #16CR579.” Exhibit A.

10. On September 12, 2018, DOJ denied the request in its entirety and cited the Privacy Act, 5 U.S.C. § 552a, Freedom of Information Act, 5 U.S.C § 552(b)(6), and (b)(7)(C). DOJ assigned the following FOIA Request Number: FOIA-2018-003995 and 003996 (Dup). Exhibit B.

11. On November 16, 2018, JACKSON, through counsel, appealed the denial of the FOIA requests. Exhibit C.

12. On December 7, 2018, DOJ acknowledged receipt of the appeal and assigned reference numbers DOJ-AP-2019-001327 and DOJ-AP-2019-001323 to the matter. Exhibit D.

13. On May 10, 2019, DOJ affirmed its previous denial. Exhibit E.

14. As of the date of this filing, DOJ has produced no responsive records to the request.

15. O'Connor's alleged misconduct and trial are already publicly known, which severely limits whatever privacy interests he may have.

16. There is a significant over-riding public interest in understanding how the DOJ prosecuted the case.

COUNT I – DOJ'S VIOLATION OF FOIA

17. The above paragraphs are incorporated herein.

18. Defendant DOJ is a federal agency subject to FOIA.

19. The requested records are not exempt under FOIA.

20. DOJ has refused to produce the requested materials in a timely manner.

WHEREFORE, JACKSON asks the Court to:

- i. declare that Defendant have violated FOIA;
- ii. order Defendant to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin Defendant from withholding non-exempt public records under FOIA;
- iv. award Plaintiff's attorney fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: February 21, 2020

Respectfully Submitted,

/s/ Matthew V. Topic

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